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सं. ४०]

नई दिल्ली, शनिवार, दिसम्बर २९, २००१/पौष ८, १९२३

No. 40]

NEW DELHI, SATURDAY, DECEMBER 29, 2001/PAUSA 8, 1923

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में
रखा जा सके ।

Separate Paging is given to this Part in order that it may be filed
as a separate compilation.

भाग II—खण्ड ३—उप-खण्ड (iii) PART II—Section 3—Sub-section (III)

केन्द्रीय अधिकारियों (संघ राज्य क्षेत्र प्रशासनों की छोड़कर) द्वारा जारी किये गये आदेश और अधिसूचनाएं
Orders and Notifications issued by Central Authorities (other than the Administrations of Union Territories)

भारत निर्वाचन आयोग

नई दिल्ली, ३ दिसम्बर, २००१

आ.अ. १६२.— निर्वाचन आयोग ३८—पंधारपुर (अ.
जा.) संसदीय निर्वाचन क्षेत्र से लोक सभा के लिए श्री
रामदास बंधु अतावाले के निर्वाचन को चुनौती देते हुए श्री
संधीपन भगवंत थोराट द्वारा दाखिल १९९९ की निर्वाचन
अर्जी सं. १७ में मुम्बई स्थित उच्च न्यायालय की तारीख
२०-०८-२००१ के निर्णय को लोक प्रतिनिधित्व अधिनियम,
१९५१ (१९५१ का ४३) की धारा १०६ के अनुसरण में
इसके द्वारा यहां प्रकाशित करता है ।

(निर्णय अधिसूचना के अंग्रेजी भाग में छपा है ।)

[खं० ८२/महा.लो.स./१७/९९ (मुम्बई)]

आदेश से,

सी.आर. बहमम्, सचिव

ELECTION COMMISSION OF INDIA

New Delhi, the 3rd December, 2001

O.N. 162.—In pursuance of Section 106 of the
Representation of the People Act, 1951 (43 of
1951), the Election Commission hereby publishes the
judgement dated 20-8-2001 of the High Court of
judicature at Mumbai in Election Petition No. 17 of
1999 filed by Shri Sandipan Bhagwant Thorat chal-
lenging the election of Shri Ramdas Bandu Athavale
to the Lok Sabha from 38-Pandharpur (SC) Parlia-
mentary Constituency.

IN THE HIGH COURT OF JUDICATURE AT
MUMBAI

ORIGINAL ORDINARY CIVIL JURISDICTION

Election Petition No. 17 of 1999

Shri Sandipan Bhagwant Thorat,
Residing at 6/1, Yashwant
Co-op. Hsg. Society, Kumthanaka,
Solapur.

.. Petitioner.

V/s.

Shri Ramdas Bandu Athavale,
Resident of World Bank Project,
Charkop, Sector-2, Plot No. 33,
Sharada Niwas, Kandivli(W),
Mumbai-400067.

... Respondent.

Mr. S. G. Aney with Mr. R. A. Kumbhakoni
i/b Amit Borkar for the Petitioner.

Mr. Anil Y. Sakhare with Mr. Nitin V. Pradhan
with Mr. Sangharaj D. Rupwate with Mr.
L. M. Acharya with Ms. Shubhada Khot
i/b M/s. Haresh Mehta and Co. for the
Respondent.

CORAM : D. K. Deshmukh, J

Dated : 20th August, 2001

ORAL ORDER :

1. This petition has been filed under the provisions of Section 81 of the Representation of the People Act, 1951, challenging the election of the Respondent as a member of the Lok Sabha from the Pandharpur constituency, which is reserved for the candidates belonging to the scheduled caste. The result of the election was declared on 7-10-1999. The Petitioner and the Respondent were candidates at the election. The Respondent had claimed, in his nomination paper that he belongs to Mahar Caste, which is a scheduled caste.

2. The Petitioner, in the petition, claims that the Respondent does not belong to Mahar caste. He claims that the Respondent does not belong to scheduled caste, therefore, he was not eligible to be a candidate from the Pandharpur Constituency. According to the Petitioner, the date on which Act No. 15 of 1990, which amends the Constitution (Scheduled Castes) Order, 1950 came into force, the Respondent was already professing Buddhist religion, therefore, he cannot claim that he belongs to the scheduled caste.

3. The Respondent opposes the Petition. He claims that he belongs to Mahar caste. He submits that in support of his claim he had submitted a caste certificate issued by competent authority and therefore the returning officer accepted his nomination paper. He submits that because he belongs to Mahar caste, which is a scheduled caste, though he professed Buddhist religion, he is entitled to contest from the Pandharpur constituency, because of the amendment brought about by Act No. 15 of 1990 in the Constitution (Scheduled Castes) Order, 1950. He claims that this is a frivolous petition, therefore, the petition should be dismissed with exemplary costs.

4. The Petitioner, apart from examining some witnesses for production of documents, has examined himself as a witness. The Respondent has not led any oral evidence.

5. From the rival pleadings and documents following issues arise :

(i) Does the Petitioner prove that the Respondent does not belong to Mahar caste ?

(ii) Does the Petitioner prove, even assuming that the Respondent belongs to Mahar caste, that he cannot claim to be belonging to the Scheduled caste, because he was professing Buddhist religion before the commencement of Act No. 15 of 1990 ?

(iii) Does the Respondent prove that the Petition should be dismissed with exemplary costs ?

6. Issue No. 1 : In the Petition, the Petitioner claims that the Respondent does not belong to Mahar caste. The only evidence that he has led is that the Respondent in his biographical sketch submitted as a member of the 12th Lok Sabha, had claimed that he was born on 25-12-1959 at village Agalgaon. The Petitioner, therefore, applied for a copy of the birth certificate of the Respondent with the authorities, but the authorities informed him that they do not have any record showing that the Respondent was born at Agalgaon on 25-12-1959. Therefore, the Petitioner claims that the Respondent does not belong to Mahar caste. In the face of the fact that the Respondent had submitted caste certificate of competent authority certifying that he belongs to Mahar caste, the evidence led by the Petitioner does not show that the Respondent does not belong to the Mahar caste. The burden of leading evidence, to prove that the Respondent does not belong to Mahar caste, was on the Petitioner. He has not at all discharged that burden. It appears from the material on record that in the Who's Who of the 12th Lok Sabha, the date of birth was mentioned as 25-12-1959, while according to the Respondent his correct date of birth is 25-12-1949. The Petitioner applied for copy of the birth certificate of the Respondent on the basis of the date 25-12-59. The authorities informed him that they do not have the record and from this the Petitioner jumped to the conclusion that the Respondent does not belong to Mahar caste. This is clear from the following statement made by the Petitioner in his deposition.

"I have filed this petition claiming that the Respondent does not belong to Mahar caste only on the basis that I did not find the entries about the Respondent's birth in the office at Kauthe Mahankal."

The answer to the issue No. 1, is therefore, in the negative.

7. Issue No. 2 : It is submitted by the Petitioner that though the Respondent belongs to Mahar caste, he professes Buddhist religion, therefore, as per the provision of the Constitution (Scheduled Castes) Order, 1950, he is not entitled to claim that he belongs to scheduled caste. It is further submitted that because of the amendment brought about by Act No. 15 of 1990, in the 1950 Order a person professing Buddhist religion can also belong to the Scheduled Caste, but that person should either be born or converted to Buddhist religion after the commencement of Act No. 15 of 1990. It is submitted that the benefit of Act No. 15 of 1990 is not available to the persons who were already professing Buddhist religion, when Act No. 15 of 1990 came into force. It is submitted that as per the provision of Article 330 of the Constitution, the number of seats reserved for the Scheduled Castes in a State should, as nearly as may be,

bear same proportion to the total number of seats allotted to that State in Lok Sabha, as the population of the Scheduled Caste in that State to the total population of that State. In other words, the number of seats to be reserved from a State depends on the population of the scheduled castes in that State. It is submitted, initially from the State of Maharashtra 6 Lok Sabha seats were reserved for scheduled castes. In 1956, a large population of persons belonging to the castes which were scheduled castes in the State of Maharashtra, converted to Buddhism, as a consequence, these persons ceased to be scheduled caste as per the provision of 1950 Scheduled Castes Order, therefore the number of seats reserved for scheduled castes from Maharashtra was reduced from 6 to 3. It is submitted that if the amendment brought about by Act No. 15 of 1990 is taken to mean that even the persons who had converted to Buddhism, before 1990 are also entitled to claim that they belong to the scheduled caste, then the number of seats reserved for scheduled castes from the State of Maharashtra would have to be increased, but that has not been done after Act No. 15 of 1990 was enacted. Therefore, according to the Petitioner, the benefit of Act No. 15 of 1990 is not available to the persons who were already converted to Buddhism, when Act No. 15 of 1990 came into force.

8. It is clear that the submissions has no substance and perusal of following provisions makes that obvious :

Articles 330 (1) and (2) of the Constitution of India reads as under :

330. Reservation of seats for Scheduled Castes and Scheduled Tribes in the House of the People :—(1) Seats shall be reserved in the House of the People for—

- (a) the Scheduled Castes ;
- (b) the Scheduled Tribes except the Scheduled Tribes in the autonomous districts of Assam; and
- (c) the Scheduled Tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any State (or Union territory) for the Scheduled Castes or the Scheduled Tribes under clause (1) shall bear, as nearly as may be, the same proportion to the total number of seats allotted to that State (or Union territory) in the House of the People as the population of the Scheduled Castes in the State (or Union territory) or of the Scheduled Tribes in the State (or Union territory) or part of the State (or Union territory), as the case may be, in respect of which seats are so reserved, bears to the total population of the State (or Union territory).

Article 341 of the Constitution of India reads as under Scheduled Castes.—(1) the President (may with respect to any State) (or Union territory), and where it is a (State*** after consultation with the Governor*** thereof), by public notification, specify the castes, races or tribes or parts of or groups

within castes, races or tribes which shall for the purpose of this Constitution be deemed to be Scheduled Castes in relation to that State (or Union territory, as the case may be).

(2) Parliament may by law include in or exclude from the list of Scheduled Castes specified in a notification issued under clause (1) any caste, race or tribe or part of or group within any caste, race or tribe, but save as aforesaid a notification issued under the said clause shall not be varied by any subsequent notification.

Article (2) & (3) of the Constitution (Scheduled Castes) Order, 1950 after amendment reads :—

(2) Subject to the provisions of this Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in [Parts to (XII)* of the Schedule to this order, shall, in relation to the States to which those parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those parts of that Schedule.

(3) Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu (the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste.).

Article (2) & (3) of the Constitution (Scheduled Castes) Order, 1950 before amendment reads :—

(2) Subject to the provisions of this Order, the castes, races or tribes or parts of, or groups within, castes or tribes specified in [Parts to (XXII)] of the Schedule to this order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Castes so far as regards member thereof resident in the localities specified in relation to them in those parts of that Schedule.

(3) Notwithstanding anything contained in paragraph 2, no person who professes a religion different from the Hindu or the Sikh religion shall be deemed to be a member of a (Scheduled Castes).

Section 3 of the Representation of the People Act, 1950 :—

Allocation of seats in the House of the People.—

The allocation of seats to the States in the House of the People and the number of seats, if any, to be reserved for the Scheduled Castes and for the Scheduled Tribes or each State shall be as shown in the First Schedule.

9. It is apparent from the above quoted provisions that Article 330 lays down the principle on the basis

of which the seats in the Lok Sabha are to be reserved for the Scheduled Castes, however it vests in the Parliament the power to make the law providing for reservation of the actual number of seats in each State. The number of seats to be reserved for Scheduled Castes depends on the population of the Scheduled Castes in the State. Now, if the Parliament does not increase the number of seats reserved for the Scheduled Castes in the State, it does not mean that in fact there is no increase in the population of Scheduled Castes in the State. It is clear from the provisions of the Constitution (Scheduled Castes) Order, 1950, before the 1990 amendment that a person who belongs to a caste which is included in the list of Scheduled Castes in the 1950 Order was not entitled to claim that he belongs to the Scheduled Caste, if he professed Buddhist religion, but as a result of the 1990 amendment he can do so. The language of the 1990 amendment is clear. There is nothing in that provision which would even suggest that, if a person who belongs to a caste mentioned in the list of Scheduled Castes in the 1950 Order was professing Buddhist religion on the date of the commencement of the amendment is not entitled to claim that he belongs to the Scheduled Caste. The Respondent belongs to Mahar caste, which is mentioned in the list of Scheduled Castes given in the Constitution (Scheduled Caste) Order, 1950 and was professing Buddhist religion on the date on which 1990 amendment came into force, therefore, he is entitled to claim that he belongs to Scheduled Caste. Therefore, Issue No. 2 is answered in the negative.

10. Issue No. III.—It is clear from the material on record that the Petitioner filed this Petition for two reasons, namely, (1) that on the basis of the date of birth of the Respondent mentioned in who's who of the 12th Lok Sabha he could not get a copy of the birth certificate of the Respondent and (2) the Parliament did not increase the number of seats reserved for the Scheduled Castes in Lok Sabha from Maharashtra after the 1990 amendment in the Scheduled Castes Order. Looking at the matter from any point of view, it cannot be said that these two reasons are enough for anybody to file a petition in the High Court challenging the election of a member of Lok Sabha, who is elected by a large majority. Though, in the petition it is claimed that the Respondent is not Mahar by caste, no attempt was made to lead any evidence to establish the same. The Petitioner himself was the member of the Lok Sabha, when Bill No. V of 1990 to amend clause 3 of the Constitution (Scheduled Castes) Order, 1950 was considered by the Lok Sabha. The statement of objects and reasons of the Bill reads as under :—

STATEMENT OF OBJECTS AND REASONS

"Neo-Buddhists" are a religious group which has come into existence in 1956 as a result of a wave of conversions of the Scheduled Castes under the leadership of Dr. Babasaheb Ambedkar. Upon conversion to Buddhism, they became ineligible for statutory concessions like reservation in services and of seats in Parliament and State Assemblies and non-statutory concessions like educational scholarship. Various demands have been made from time to time, for extending all

the concessions and facilities available to the Scheduled Castes to them also on the ground that change of religion has not altered their social and economic conditions. As a matter of fact, non-statutory concessions of the Central Government available to the Scheduled Castes have been extended to Neo-Buddhists. As they objectively deserve to be treated as the Scheduled Castes for the purpose of various reservations, it is proposed to amend the Presidential Orders to include them therein.

2. Hence this Bill.

It is reasonable to assume that as a member of Lok Sabha at the relevant time, who himself belongs to Scheduled Caste, the Petitioner knew that the 1990 Amendment was brought about to extend the benefits which are available to the members of the Scheduled Castes to the people like the Respondent. Still he filed this Petition. The conduct of the Petitioner of filing this Petition and pursuing it, can not be said to be either reasonable or bonafide. It is basic tenet of democracy that the verdict of the people expressed through the ballot box is to be respected. The Respondent has been elected by a large majority. The remedy provided by the statute to challenge the election cannot be resorted to unless the person filing the Petition has a genuine reason to do so. The remedy can not be resorted to casually or lightly. In these circumstances, therefore, when court finds that a person has filed the Petition without a reasonable cause, casually, it becomes the duty of the Court, not only to dismiss the Petition, but also to make such order, as would discourage the others from filing such Petitions in Court. The power to impose exemplary costs has been vested in the Court for that purpose. Before the hearing of the Petition commenced, on finding that the Petition appears to be lacking substance, I had made it clear to the Petitioner that he should make all efforts to lead evidence to substantiate his case stated in the Petition and if he fails to do so, he will have to pay heavy costs. Still the Petitioner, as observed above, did not make even an attempt to lead evidence to prove that the Respondent does not belong to Mahar caste. In this background, therefore, in my opinion, exemplary costs are to be imposed on the Petitioner. The costs are quantified at Rs. 25,000.

The Petition is, therefore, dismissed with costs as directed above.

[No. 82/MT-HP/17/99 (Mumbai)]

By Order,

C. R. BRAHMAM, Secy.

CORRIGENDUM

New Delhi, the 21st December, 2001

O.N. 163.—In Commission's Order No. 76/BR-LA/2000, dated 7th November, 2001 (English version) at page 2 entry made against "Sl. No. 5", for the existing entry in column 4, the entry "Sh. Ram Birksh Chaudhary S.o Shri Rijhawan Chaudhary, Vill. and P.O. Behta, Via-Janakpur Road, District Sitamarhi, Bihar" shall be substituted,

[No. 76/BR-LA/2000]

By Order,

GHANSHYAM KHOHAR, Secy.

आदेश

नई दिल्ली, 7 दिसम्बर, 2001

आ.अ. 164.—निर्वाचन आयोग का समाधान हो गया है कि पश्चिम बंगाल विधान सभा के साधारण निर्वाचन 2001 के लिए जो स्तम्भ (2) में विनिर्दिष्ट निर्वाचन क्षेत्र से हुआ है, स्तम्भ (3) में उसके सामने विनिर्दिष्ट निर्वाचन लड़ने वाला प्रत्येक अभ्यर्थी, लोक प्रतिनिधित्व अधिनियम, 1951 तथा तख्तीन बनाए गए नियमों द्वारा अपेक्षित उक्त सारणी के स्तम्भ (4) में यथादर्शित अपने निर्वाचन व्ययों का कोई भी लेखा दाखिल करने में असफल रहे हैं:

और उक्त अभ्यर्थियों ने सम्यक् सूचना दिए जाने पर भी उक्त असफलता के लिए या तो कोई कारण प्रथवा स्पष्टीकरण नहीं दिया है या उनके द्वारा दिए गए प्रयासों पर, विचार करने के पश्चात् निर्वाचन आयोग का यह समाधान हो गया है कि उनके पास उक्त असफलता के लिए कोई पर्याप्त कारण या व्यायोज्य नहीं है।

अतः अब, निर्वाचन आयोग उक्त अधिनियम की धारा 10क के अनुसरण में नीचे की सारणी के स्तम्भ (3) में विनिर्दिष्ट व्यक्तियों को संसद के किसी भी सदन के या किसी राज्य की विधान सभा प्रथवा विधान परिषद् का सदस्य चुने जाने और सदस्य होने के लिए इस आदेश की तारीख से तीन वर्ष की कालावधि के लिए निरहित घोषित करता है:

सारणी

क्रम सं.	निर्वाचन क्षेत्र का नाम व क्रम सं.	निर्वाचन लड़ने वाले अभ्यर्थी का नाम और पता	निरहता का कारण
1	2	3	4
1.	11—कालचीनी (अ. ज. जा.)	श्री मदन कुमार सामा, सैन्ट्रल डोर टीई, पो. प्रो. पानावस्ती, जिला जलपाईगुड़ी, पिन-735 226 पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
2.	13—फलकाटा (अ. ज. जा.)	श्री नगेन्द्रनाथ राय, गांव मुसीपाड़ा, पो. प्रो. सलकुमारहाट, जिला जलपाईगुड़ी, पिन 736 204, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
3.	14—मदारीहाट (अ. ज. जा.)	श्री सालीनाथ थोराधो, गांव बालगांव बस्ती, पो. प्रो. धुलागांव, जिला जलपाईगुड़ी, पिन-735 216, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
4.	15—धूमगुड़ी (अ. ज. जा.)	श्री मोनो मोहन राय, गांव बारो धोरीया, पो. प्रो. विद्याश्रम, जिला जलपाईगुड़ी, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
5.	16—नगरकाटा (अ. ज. जा.)	श्री गोडलिवा कुमुर, नैरकाटा टी गार्डन, पो. प्रो. —नैरकाटा, थाना बानरहाट, जलपाईगुड़ी, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
6.	16—नगरकाटा (अ. ज. जा.)	श्री नेपाल मारण्डी, गांव पश्चिम रांगापाड़ा, पो. प्रो. गरीयालताड़ी, थाना धूमगुड़ी, जलपाईगुड़ी, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया

1	2	3	4
7.	18—माज (प्र. ज. जा.)	श्री कपिल कुमार दास, व्योमि कर्मोनी, कोटीबासी-बाठमारी (1 नं.), पो. घो. बमिसा, पल्लव मेढरी, जिला जसमहिसुकी, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
8.	23—राजगंज (प्र. जा.)	श्री विवेकानंद राय, बोवापीटा, कुलबारी, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
9.	30—फरक्का	डा. मुकल इस्लाम, गांव + पो. घो. महमूदबम्मर, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
10.	31—घोरंगाबाद	श्री मुकल इस्लाम, गांव खजरतला, पो. कानकुरिया, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
11.	51—घोरंगाबाद	श्री बाबूराम, गांव कमालपुर, पो. घो. बीमतीला, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
12.	53—सागरबिघी (प्र. जा.)	श्री वेंकेशदास, गांव जयगपुर, पो. घो. बोहाली-बंगालाड़ा, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
13.	54—जंगीपुर	श्री प्रबदास सामद, गांव रघुनाथपुर, पो. घो. खंसीपुर, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
14.	57—नवाग्राम	श्री सुकुमार मारजीत, ग्राम ब डाकघर नवाग्राम, जिला मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
15.	60—डोमकल	श्री बेजीद हुसैन, गांव + डाकघर डोमकल, मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
16.	60—डोमकल	श्री वृन्दाधन हस्वर, गांव + डाकघर कालीगंज, मुर्शिदाबाद पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया
17.	61—नम्रोदा	श्री सतेन्द्र नाथ डे, ग्राम + डाकघर—महिल्लेरिया, थाना—रंजीतनगर, जिला—मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन स्थलों का कोई भी लेखा दाखिल नहीं किया

1	2	3	4
18. 62-हरिहरवाड़ा	श्री सोईदुरज्जमन बिस्वास, ग्राम-शिवनिगर स्वस्वपुर, धाना-डोमकल, जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
19. 62-हरिहरवाड़ा	श्री कामसज्जमन खोन्हेकर (कुमुल), ग्राम-नजीरपुर, पी. सी. -नाजनीपुर, जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
20. 64-बेलडांगा	श्री बेनु सोदागर, पो. श्री. ब. धाना-बेलडांगा (दक्षिणपार्श्व), जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
21. 64-बेलडांगा	श्री एस. के. हीरर झंसी, ग्राम + पो. श्री. काजीसाहा, धाना-बेलडांगा, जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
22. 65-कांड़ी	श्री प्रबुल प्रजीज एस. के., खगराघाट स्टेशनरोड, पो. रबारघाट, जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
23. 65-कांड़ी	श्री मनोहर हुसैन एस. के., गांव-चोकपुर, पी. -बासुदेवझाली, जिला-मुर्शिदाबाद, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
24. 65-कांड़ी	श्री स्वप्न दास, गांव जेमो रघुनाथपुर, पो. -जेमो राजघाटी, जिला-मुर्शिदाबाद, पिन-742 140, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
25. 65-कांड़ी	श्री प्रबल कान्ती सिंह राय, छलुपसी, पो. -कांड़ी, जिला-मुर्शिदाबाद, पिन-742137, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
26. 86-बारसाम (घ. जा.)	श्री प्राणुश कुमार साहा, गांव + पो. -खगराम, बाघा सालर, धाना-सालर, जिला-मुर्शिदाबाद, पिन-742 403, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	
27. 86-गईघाट	श्री पिजुश राय, पुरवांझा पार्क, धलाक-बी, गोबोरडांगा, उत्तर 24-परगना, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया	

1	2	3	4
28.	91—राजस्थान (अ. भा.)	मैसर्स स्वप्न विस्वास, अश्विनीनगर, अझापल्ली, बागुहट्टी, कोलकत्ता-700 059, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
29.	92—बेगंगा	श्री अश्वीम देवनाथ, गांव व पी. —प्रफुल्ल नगर, हाथड़ा, उत्तर 24-परगना, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
30.	92—देवंगा	श्री इंदरिस अली, 5, रिपन लेन, कोलकत्ता-110016, पश्चिम बंगाल	
31.	140—कोस्लीपुर	श्री परितोष मुर्कजी, 27—गोकुल मिश्रलेन, कोलकत्ता-5, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
32.	142—जोराबागान	श्री वीरेन्द्र कुमार मोदी, 1, नेतई हलदर स्ट्रीट, कोलकत्ता-700 007, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
33.	142—जोराबागान	श्री विश्वनाथ मुर्कजी, 140—बलराम, डे स्ट्रीट, कोलकत्ता-700 006, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
34.	142—जोराबागान	श्री दिनेश कुमार रातेरिया, 13-ए, प्रसन्न कुमार टेगोर स्ट्रीट, कोलकत्ता-700 006, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
35.	142—जोराबागान	श्री गोपाल तिवारी, 80/2, पाथुरिया, चट स्ट्रीट, कोलकत्ता-700 006, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
36.	142—जोराबागान	श्री सुभाष राय, 21-सी, मोहनलाल स्ट्रीट, कोलकत्ता-700 004, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
37.	142—जोराबागान	श्री सुभाष चन्द्र शर्मा, 45—तर हलदर, गोयनका स्ट्रीट, कोलकत्ता-700 007, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
38.	143—जोराबागान	श्री अमर शंकर राय, 41, राधाभाषक साहू लेन, प्रथम तल, कोलकत्ता-7, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया

1	2	3	4	5
39.	143-जोरासाँको	श्री खालिद इरफान, 1458, एफ-फस्ट वितरंजन एवेन्यू, कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
40.	143-जोरासाँको	श्री मनोज मेह, 11/1ए, बारानशी घोष, सैकण्ड लेन, कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
41.	143-जोरासाँको	श्री नरेश चन्द्र शर्मा, 888, मदन मोहन बर्मन स्ट्रीट, प्रथम तल, कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
42.	143-जोरासाँको	श्री राधाश्याम रिहोष्या, 9बी, श्रीनाथ राय लेन, कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
43.	143-जोरासाँको	श्री रवि जयपुरिया, 23, एफ-3, रूपचन्द्र, राय स्ट्रीट कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
44.	144-बड़ा बाजार	श्री जगन्नाथराय ठाकुर, 180, महात्मा गांधी रोड, कोलकता-700 007, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
45.	144-बड़ा बाजार	श्री कमल चौधरी, 113 ए, महोदर दास स्ट्रीट, कोलकता-7, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
46.	144-बड़ा बाजार	श्री कमरुद्दीन कुरेशी, 10, हरीन बारी, फर्स्ट लेन, कोलकता-73, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
47.	144-बड़ा बाजार	श्री दिलीप कुमार दाता, 38, इंडियन मिरर स्ट्रीट, कोलकता-700 013, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
48.	145-बो बाजार	श्री रवीन्द्रनाथ भट्टाचार्य, 34/1ए, जेलीपाड़ा लेन, कोलकता-700 012, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
49.	145-बो बाजार	श्री सुमन्ता भोमिक, 30/2/8, डॉक्टर लेन, कोलकता-700 014, पश्चिम बंगाल		निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया

1	2	3	4
80.	153-इस्टास्ली	श्री सुल्तान उस्मान, 12 जकारिया स्ट्रीट, कोलकत्ता-700 073, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
51.	154-तालटोला	श्री विप्लव दास, 7/1, पाटरी रोड, कोलकत्ता-700 015, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
52.	154-तालटोला	श्री नारायण साहा, 75/ए, सम्भू बानू लेन, कोलकत्ता-700 014,, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
53.	154-तालटोला	श्री विनोद हेला, 3 बी, चटु बाबू लेन, कोलकत्ता-700 014, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
54.	158-कुरटोला	श्री गोपाल बैरिक, 243 ए/11/43 ए. पी. सी. रोड, कोलकत्ता-700 006, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
55.	158-कुरटोला	श्री बीदिपराय, 10 डी, सेवन टैंक लेन, कोलकत्ता-700 030, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
56.	159-मानिकटोला	श्री कमलेंद्रु हजारा, 107, बिबान नगर रोड, एल. आई. जी. हाउसिंग ब्लॉक-1, फ्लैट-24, कोलकत्ता-700 067, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया
57.	233-अन्नुषा (प्र. ज. जा.)	श्री नीलमोहन मुरमु, ग्राम-सीरिस गोरा, पोस्ट बन्धवान, जिला-पुरुलिया, पिन 723 129, पश्चिम बंगाल	निर्वाचन व्ययों का कोई भी लेखा दाखिल नहीं किया

[सं. 76/प. बं. वि. स./2001]

आदेश से,

बाबू राम, सचिव

ORDER

New Delhi, the 7th December, 2001

O.N. 164.—Whereas, the Election Commission is satisfied that each of the contesting candidate specified in column (3) of the Table below at the General Election to the West Bengal Legislative Assembly, 2001 held from the Constituency specified in column (2) against his name has failed to lodge any account of his election expenses or has failed to lodge his account of election expenses in the manner required by law as shown in column (4) of the said Table as required by the representation of the People Act, 1951 and the rules made thereunder, and

Whereas, the said candidates have either not furnished any reason or explanation for the said failure even after due notice or the Election Commission after considering the representation made by them, if any, is satisfied that they have no good reason or justification for the said failure;

Now, therefore, in pursuance of Section 10A of the said Act, the Election Commission hereby declares the persons specified in column (3) of the Table below to be disqualified for being chosen as and for being a member of either House of the Parliament or the Legislative Assembly or Legislative Council of a State/Union Territory for a period of three years from the date of this Order.

TABLE

Sl. No.	Number and Name of Assembly Constituency	Names of contesting candidates	Reason for disqualification
1	2	3	4
1.	11—Kalchini (ST)	Sh. Madan Kumar Lama, Central Doors TE, P.O. : Panabasti, District : Jalpaiguri, Pin 735 226, West Bengal.	Account not Lodged at all.
2.	13—Falakata (SC)	Sh. Nagendranath Roy, Vill. : Munsipara, P.O. : Salkumarhat, Dist. : Jalpaiguri, Pin 736 204, West Bengal.	Account not Lodged at all.
3.	14—Madarihat (ST)	Sri Salinath Craon, Vill. : Dalgaon Basti, P.O. : Dhulagaon, District : Jalpaiguri, Pin 735 216, West Bengal.	Account not lodged at all.
4.	15—Dhupguri (SC)	Sri Mono Mohan Ray, Vill. : Baroghoria, P.O. : Bidyasharam, District : Jalpaiguri, West Bengal.	Account not Lodged at all.
5.	16—Nagrakata (ST)	Sri Godliva Kujur, Gaikata Tea Garden, P.O. : Gaikata, P.S. : Banarhat, Jalpaiguri, West Bengal.	Account not Lodged at all.
6.	16—Nagrakata (ST)	Sh. Nepal Marandi, Vill. : Paschim Dangapara, P.O. : Garialtari, P.S. : Dhupguri, Jalpaiguri, West Bengal.	Account not Lodged at all.
7.	18—Mal (ST)	Sri Kapil Kumar Tamba, Jyoti Colony, Notiali Batabari (1 No.), P.o. : Chalsa, P.S. : Metelli, District : Jalpaiguri, West Bengal.	Account not Lodged at all.

1	2	3	4
8.	21—Rajganj (SC)	Sri Bidyeswar Roy, Chobabhita, Phulbari, West Bengal.	Account not Lodged at all.
9.	50—Farakka	Dr. Nurul Islam, Vill. + P.O. : Mahadevnagar, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
10.	51—Aurangabad	Sri Nurul Islam, Vill. : Khejurtala, Post : Kankuria, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
11.	51—Aurangabad	Sri Badrul, Vill. : Kamalpur, P.O. : Nimtita, District : Murshidabad, West Bengal.	Account not Lodged at all.
12.	53—Sagardighi (SC)	Sri Debesah Das, Vill. : Jyogpur, P.O. : Dohalidangapra, District : Murshidabad, West Bengal.	Account not Lodged at all.
13.	54—Jangipur	Sri Abdus Samad, Vill. : Raghunathpur, Post : Jangipur, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
14.	57—Nabagram	Sri Sukumar Marjit, Vill. & P.O. : Nabagram, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
15.	60—Domkal	Sri Baijid Hossain, Vill. & P.O. : Domkal, Murshidabad, West Bengal.	Account not Lodged at all.
16.	60—Domkal	Sri Brindabon Halder, Vill. & P.O. : Kaliganj, Murshidabad, West Bengal.	Account not Lodged at all.
17.	61—Naoda	Sri Satendra Nath Dey, Vill. & P.O. : Andulberia, P.S. : Rejinagar, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
18.	62—Hariharpara	Sri Sohidorjjaman Biswas, Vill. : Shibaagar, P.O. : Shibnagar Laskarpur, P.S. : Domkal, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.

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19.	62—Hariharpara	Sri Kamrujjaman Khondekar (Bakul), Vill. : Nazirpur, P.O. : Gajanipur, Distt : Murshidabad, West Bengal.	Account not Lodged at all.
20.	64—Beldanga	Sri Benu Saudagar, P.O. & P.S. : Beldanga (Dakshinapara), Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
21.	64—Beldanga	Sri S. K. Haidar Ali, Vill. & P.O. : Kazisaha, P.S. : Beldanga, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
22.	65—Kandi	Sri Abdul Aziz S. K., Khagraghat Station Road, P.O. : Radharghat, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
23.	65—Kandi	Sri Manowar Hossain S. K., Vill. : Lokepur, P.O. : Basudevkhali, Distt. : Murshidabad, West Bengal.	Account not Lodged at all.
24.	65—Kandi	Sri Swapan Das, Vill. : Jemo Raghunathpur, P.O. : Jemo Rajbati, Distt. : Murshidabad, Pin—742 140, West Bengal.	Account not Lodged at all.
25.	65.—Kandi	Sri Prabal Kanti Singha Roy, Alupatti, P.O. : Kandi, Distt. : Murshidabad, Pin —742 137, West Bengal.	Account not Lodged at all.
26.	66—Khargram (SC)	Sri Pratyush Kumar Saha, Vill. + P.O. : Kagram, Via Salar, P.S. : Salar, Distt. : Murshidabad, Pin—742 403, West Bengal.	Account not Lodged at all.
27.	86—Gaighata	Sri Pijush Roy, Purbasha Park, Block 'B', Gorbordanga, North 24—Parganas, West Bengal.	Account not Lodged at all.

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28.	91—Rajarhat (SC)	Ms. Swapna Biswas, Aswininagar, Saradapally, Baguihati, Kolkata—700 059, West Bengal.	Account not Lodged at all.
29.	92—Deganga	Sri Ashim Debnath, Vill. & P.O. : Prafulla Nagar, Habra, North 24—Parganas, West Bengal.	Account not Lodged at all.
30.	92—Deganga	Sri Idris Ali, 5, Ripon Lane, Kolkata—700 016, West Bengal.	Account not Lodged at all.
31.	140—Cossipur	Sri Paritosh Mukherjee, 27, Gokul Mitra Lane, Kolkata—5, West Bengal.	Account not Lodged at all.
32.	142—Jorabagan	Sri Birendra Kumar Modi 1, Netai Halder Street, Kolkata-700 007, West Bengal.	Account not Lodged at all
33.	142—Jorabagan	Sri. Biswabasu Mukherjee, 140, Balaram, Day Street, Kolkata-7000 06, West Bengal.	Account not Lodged at all
34.	142—Jorabagan	Sri Dinesh Kumar Rateria, 13A, Prasanna Kumar Tagore Street, Kolkata-700 006, West Bengal.	Account not Lodged at all
35.	142—Jarabagan	Sri Gopal Tiwari, 80/2, Pathuria, Ghat Street, Kolkata-700 006, West Bengal.	Account not Lodged at all
36.	142—Jorabagan	Sri Subhash Roy, 21C, Mohanlal Street, Kolkata-700 004, West Bengal.	Account not Lodged at all
37.	142—Jorabagan	Sri Subhash Chandra Sharma, 45, Sir Hariram Goenka Street, Kolkata-700 007, West Bengal.	Account not Lodged at all
38.	143—Jorasanko	Sri Abhay Sankar Roy, 41, Radha Madhab, Saha Lane, Ist Floor, Kolkata-7 West Bengal.	Account not Lodged at all
39.	143—Jorasanko	Sri Khalid Irfan, 145B, F-Ist Chitta Ranjan Avenue, Kolkata-7, West Bengal.	Account not Lodged at all

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40. 143-Jorasanko	Sri Manoj Seth, 11/1A, Baranashi Ghosh, 2nd Lane, Kolkata-7, West Bengal.	Account not Lodged at all	
41. 143-Jorasanko	Sri Naresh Chandra Sharma, 88B, Madan Mohan Burman Street, 1st Floor, Kolkata-7, West Bengal.	Account not Lodged at all	
42. 143-Jorasanko	Sri Radhyashyam Ringheshya, 9B, Srinath Roy Lane, Kolkata-7, West Bengal.	Account not Lodged at all	
43. 143-Jorasanko	Sri Ravi Jaipuria, 23, F-3, Rupchand Roy Street, Kolkata-7, West Bengal.	Account not Lodged at all	
44. 144-Bara Bazar	Sri Jag Narayan Thakur, 180, Mahatma Gandhi Road, Kolkata-700 007, West Bengal.	Account not Lodged at all	
45. 144-Bara Bazar	Sri Kamal Chowdhury, 113/A, Mohohar Das Street, Kolkata-7, West Bengal	Account not Lodged at all	
46. 144-Bara Bazar	Sri Qamruddin Qurashi, 10, Harin Bari, 1st Lane, Kolkata-73, West Bengal	Account not Lodged at all	
47. 145-Bow Bazar	Sri Dilip Kumar Datta, 38, Indian Mirror Street, Kolkata-700 013, West Bengal	Account not Lodged at all	
48. 145-Bow Bazar	Sri Rathindra Nath Bhatta Charya 34/1A, Jeliapara Lane, Kolkata-700 012, West Bengal	Account not Lodged at all	
49. 145-Bow Bazar	Sri Sumanta Bhowmik, 30/2/8, Doctor Lane, Kolkata-700 014, West Bengal	Account not Lodged at all	
50. 153-Entally	Sri Sultan Osman, 12, Jakaria Street, Kolkata-700073, West Bengal	Account not Lodged at all	
51. 154-Taltala	Sri Biplab Das, 7/1, Pottery Road, Kolkata-700 015, West Bengal	Account not Lodged at all	
52. 154-Taltala	Sri Narayan Saha, 75/A, Sambhu Babu Lane, Kolkata-700 014, West Bengal	Account not Lodged at all	
53. 154-Taltala	Sri Vinod Hela, 3B, Chatu Babu Lane, Kolkata-700014, West Bengal	Account not Lodged at all	

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54. 158-Burtola	Sri Gopal Barick, 243A/11/43, A.P.C. Road, Kolkata-700006, West Bengal		Account not Lodged at all
55. 158-Burtola	Sri Tridip Roy, 10D, Seven Tanks Lane, Kolkata-700030, West Bengal		Account not Lodged at all
56. 159-Maniktola	Sri Kamalendu Hazra, 107, Bidhan Nagar Road, LIG Housing, Block-1, Flat-24, Kolkata-700067, West Bengal		Account not Lodged at all
57. 233-Barduan (ST)	Sri Nilmohan Murmu, Vill. - Sirisgora, Post-Bardwan, Distt. : Purulia, Pin-723129 West Bengal		Account not Lodged at all

[No. 76/WB-LA/2001]

By Order,

BABU RAM, Secy.

नई दिल्ली, 18 दिसम्बर, 2001

In the High Court of Judicature at Patna

Order Sheet

E.P. No. 6 of 1998

Daya Nand Sahay —Petitioner

Versus

Gaya Singh and others..... —Respondents.

Serial No. of Order.	Date of Order.	Order with Signature	Office notes as to action (if any) taken on order
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44. 13-9-2001, In view of judgement of the Apex Court passed in Civil Appeal No. 3538 of 2000 this petition has become infructuous.

In the result, this petition is dismissed as being infructuous.

Sd/- M. L. Visa.

True copy.

For Joint Registrar.

Patna High Court.

[No. 82/CS/BR-6/98/2001]

By Order,

SHARAN PAL SINGH, Secy.

आ.अ. 165.—भारत निर्वाचन आयोग बिहार राज्य से राज्य सभा के सदस्य के रूप में श्री गया सिंह के निर्वाचन को प्रश्नगत करते हुए श्री दयानन्द सहाय द्वारा दाखिल 1998 की निर्वाचन अर्जी सं. 6 में तारीख 13 सितम्बर, 2001 की पटना उच्च न्यायालय के आदेश को लोक प्रति-निधित्व अधिनियम, 1951 (19 1 का 43) की धारा 106 के अनुसरण में एतद्वारा प्रकाशित करता है।

(आदेश इस अधिसूचना के अंग्रेजी भाग में छपा है।)

[सं. 82/रा.स.-बिहार./6/98/2001]

आदेश से,

शरन पाल सिंह, सचिव

New Delhi, the 18th December, 2001

O.N. 165.—In pursuance of Section 106 of the representation of the People Act, 1951 (43 of 1951), the Election Commission of India hereby publishes the order of the High Court of Judicature at Patna dated 13th September, 2001 in Election Petition No. 6 of 1998 filed by Shri Dayanand Sahay calling in question the election of Shri Gaya Singh as a Member of Council of States from the State of Bihar.